

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICKIE L. HILL,)	3:11-cv-00609-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
vs.)	
)	November 20, 2014
W. OAKLEY, et al.,)	
)	
Defendants)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Plaintiff's "Motion to Compell" (sic). (Doc. # 98.) Defendant has opposed (Doc. # 100) and Plaintiff filed his reply (Doc. # 102).

The gravamen of Plaintiff's motion is that he complains about certain personal property not being delivered to him when he was transferred from High Desert State Prison to Ely State Prison. (Doc. # 98.) His complaint appears to be directed toward unidentified "property officers" and not the Defendant (Wayne Oakley). Plaintiff's motion also does not pertain to the subject matter of his action. (Screening Order, Doc. # 24.)

Plaintiff's motion (Doc. # 98) is **DENIED**.

Defendant's response requests an award of attorneys fees for "having to defend this frivolous motion." (Doc. # 100.) While the court agrees the motion is frivolous, Defendant provides no information as to the amount of attorney's fees incurred as a result of the responsive memorandum prepared by Defendant's attorney, Deputy Attorney General Keegan. The court therefore declines to award any attorneys fees as a sanction.

That being said, Plaintiff's motion in this instance did not pertain to any discovery Defendant did or did not produce, but rather, as to the alleged failure of Ely State Prison to comply with NDOC procedures. Thus, despite Plaintiff's assertion to the contrary, he had no "legitimate reason" to file the motion to compel. Plaintiff should be aware, however, if a similar motion or motions are pursued in the future, the court will indeed impose sanctions which are appropriate to the situation.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____
Deputy Clerk